

JUN 13 2006
PATENT
Atty. Dkt. No. MRKS0132**REMARKS**

This is intended as a full and complete response to the Office Action dated April 5, 2006, having a shortened statutory period for response set to expire on July 5, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-12 remain pending in the application after entry of this response.

Claims 1, 2, 4, 7, 9, and 10 stand rejected under 35 USC § 102(b) a being anticipated by *Leismer* (U.S. Pat. No. 6,247,536). Applicant respectfully traverses the rejection. *Leismer* does not teach, suggest, or disclose either "transmitting the pressure of downhole working fluid to the hydraulic fluid of the control system," as recited in claim 1 or "a dividing piston arranged to be influenced by pressure of downhole working fluid and transmit pressure through hydraulic fluid to the pressure relief valves," as recited in claim 7. Referring to Figs. 1 and 21, *Leismer* discloses a control system using dual fluid lines 36,38 (Fig. 1) 246,250 (Fig. 21). The first fluid line 36,246 actuates a piston 14 through various positions of a cammed indexer 16 which also moves a fluid transfer member 18. These various positions (see Figs. 1-4) align the second fluid line 38 via fluid transfer member 18 with various outlet ports 26-32,210 or exhaust ports 56-60, 214. Neither piston 14 nor fluid transfer member 18 provide any interaction of pressure between the first fluid and the second fluid. The first fluid exerts a longitudinal force on the piston 14 which causes compression of the spring 52 and movement of the indexer 16 which is then locked in place by the retaining member 34. The second fluid travels through fluid transfer member 18. Fluid transfer member 18 will not affect the pressure of the second fluid whatsoever. The second fluid will actuate downhole tools 252-258. Pressures of the two fluids are not related. The pressure of the first fluid needs to compress the spring 50 (i.e. 1-4 ksi (each spring set for each of the four valves 198-204)). The pressure of the second fluid needs to actuate the tools 252-258. For example, if the tools 252-258 were each the same type of tool with an actuation pressure of 5 ksi, then the pressure in the first line 36,246 would vary between 1-4 ksi as the valves 198-204 were actuated. The pressure in the second line would remain at 5 ksi. Therefore, claims 1, 7, and their dependents are not anticipated by *Leismer*.

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Claims 5, 6, 8, 11, and 12 stand rejected under 35 USC § 103(a) as being unpatentable over *Leismer* in view of *Kilgore* (U.S. Pat. No. 6,651,749). Applicant respectfully traverses the rejection. There is no motivation to combine *Leismer* and *Kilgore* and each reference teaches away from the other. *Kilgore* teaches using tubing pressure to actuate tools (i.e. packers) which require high setting forces using a booster to overcome safety limits of the surface equipment and/or production tubing. *Leismer* teaches a system using fluid lines running from the surface. A fluid line from the surface is not subject to the same safety constraints as wellbore tubing. *Kilgore* touts use of tubing pressure to eliminate the need for control lines (col. 1, lines 56-60; also repeated in Abstract). Therefore, combination of the references is improper. Withdrawal of the rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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